



General Assembly

February Session, 2006

Raised Bill No. 372

LCO No. 1963

01963_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING THE RIGHTS OF PARTIES IN JUVENILE MATTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) On and after October 1,
2 2006, whenever an employee or authorized representative of the
3 Department of Children and Families attempts to communicate with a
4 child's family member or guardian with respect to a department
5 investigation, such employee or authorized representative shall, before
6 commencing such communication, advise the family member or
7 guardian that: (1) The family member or guardian does not have to
8 permit the department employee or authorized representative to enter
9 the family member's or guardian's residence without a warrant; (2) the
10 family member or guardian is not required to speak with the
11 department employee or authorized representative; (3) the family
12 member or guardian is entitled to contact an attorney for legal advice,
13 and an attorney may be present at all times when the family member
14 or guardian is communicating with the employee or authorized
15 representative of the department; (4) any communication or statement
16 made by the family member or guardian may be used in a department

17 report or in a judicial proceeding; (5) the department employee or
18 authorized representative does not represent the family member or
19 guardian, and the department employee or authorized representative
20 cannot provide legal advice to the family member or guardian; (6) the
21 family member or guardian is not required to sign any document,
22 including release documents or service agreements, and the family
23 member or guardian is entitled to seek the advice of an attorney before
24 signing any such documents. If a family member or guardian signs any
25 document, the department employee or authorized representative
26 shall provide a copy of such document to the family member or
27 guardian not later than five days after the document is signed.

28 (b) Prior to October 1, 2006, the Commissioner of Children and
29 Families shall prescribe a form that sets forth the provisions of
30 subdivisions (1) to (6), inclusive, of subsection (a) of this section. The
31 form shall also set forth the right to obtain a copy of a signed
32 document as provided in subsection (a) of this section. On and after
33 October 1, 2006, each employee or authorized representative of the
34 department shall provide a copy of the form to any family member or
35 guardian upon initiating any communication with the family member
36 or guardian with respect to a department investigation.

37 Sec. 2. (NEW) (*Effective October 1, 2006*) (a) Each medical,
38 psychological, psychiatric or social welfare study or report submitted
39 by an individual, or on behalf of a public or private institution, social
40 agency or clinic, that constitutes a record of cases in juvenile matters,
41 as defined in section 46b-124 of the 2006 supplement to the general
42 statutes, shall be signed by the author of the study or report under
43 penalty of false statement.

44 (b) The study or report shall be made available to the counsel of
45 record and each unrepresented party at least twenty days prior to the
46 scheduled date of any hearing or pretrial conference, except that such
47 twenty-day period may be reduced due to exigent circumstances, as
48 determined by the court, provided the twenty-day period is not

49 reduced because of a delay in filing the study or report.

50 (c) Any party to a proceeding on a juvenile matter, as defined in
 51 section 46b-121 of the general statutes, as amended by this act, may (1)
 52 file such study or report with the court as evidence in such proceeding,
 53 and (2) cross-examine the author of the study or report. If the court
 54 finds that the author of the study or report is not available to testify in
 55 the proceeding, the party shall have the right to request that another
 56 witness be made available to testify and be subject to cross-
 57 examination, provided the witness (A) assisted in completing the
 58 study or report, or (B) has or should have knowledge of the contents of
 59 the study or report.

60 Sec. 3. Subsection (g) of section 46b-129 of the general statutes is
 61 repealed and the following is substituted in lieu thereof (*Effective*
 62 *October 1, 2006*):

63 (g) At a contested hearing on the order for temporary custody or
 64 order to appear, credible hearsay evidence regarding statements of the
 65 child or youth made to a mandated reporter or to a parent may be
 66 offered by the parties and admitted by the court upon a finding that
 67 the statement is reliable and trustworthy and that admission of such
 68 statement is reasonably necessary. A signed statement executed by a
 69 mandated reporter under oath may be admitted by the court without
 70 the need for the mandated reporter to appear and testify unless called
 71 by a respondent or the child, provided the statement: (1) Was provided
 72 to each party at the preliminary hearing [and promptly upon request
 73 to any counsel appearing after the preliminary] or otherwise made
 74 available to each party at least seven calendar days prior to any
 75 contested hearing; (2) reasonably describes the qualifications of the
 76 reporter and the nature of [his] the reporter's contact with the child;
 77 [and] (3) contains only the direct observations of the reporter, and
 78 statements made to the reporter that would be admissible if the
 79 reporter were to testify to them in court and any opinions reasonably
 80 based thereupon; and (4) is derived from what the reporter was told by

81 the child or youth and does not derive from statements made by other
 82 persons. If a respondent or the [child] child's representative gives
 83 notice at [the preliminary hearing that he] least five calendar days
 84 before the date the contested hearing is scheduled that the respondent
 85 or representative intends to cross-examine the reporter, the person
 86 filing the petition shall make the reporter available for such
 87 examination at the contested hearing. The provisions of this subsection
 88 regarding admissibility of hearsay evidence shall not be applicable to
 89 other proceedings in juvenile matters.

90 Sec. 4. Subsection (b) of section 46b-121 of the general statutes is
 91 repealed and the following is substituted in lieu thereof (*Effective*
 92 *October 1, 2006*):

93 (b) In juvenile matters, the Superior Court shall have authority to
 94 make and enforce such orders directed to parents, including any
 95 person who acknowledges before said court paternity of a child born
 96 out of wedlock, guardians, custodians or other adult persons owing
 97 some legal duty to a child, youth or youth in crisis therein, as it deems
 98 necessary or appropriate to secure the welfare, protection, proper care
 99 and suitable support of a child, youth or youth in crisis subject to its
 100 jurisdiction or otherwise committed to or in the custody of the
 101 Commissioner of Children and Families. In addition, with respect to
 102 proceedings concerning delinquent children, the Superior Court shall
 103 have authority to make and enforce such orders as it deems necessary
 104 or appropriate to punish the child, deter the child from the commission
 105 of further delinquent acts, assure that the safety of any other person
 106 will not be endangered and provide restitution to any victim. Said
 107 court shall also have authority to grant and enforce injunctive relief,
 108 temporary or permanent in all proceedings concerning juvenile
 109 matters. If any order for the payment of money is issued by said court,
 110 including any order assessing costs issued under section 46b-134 or
 111 46b-136, the collection of such money shall be made by said court,
 112 except orders for support of children committed to any state agency or
 113 department, which orders shall be made payable to and collected by

114 the Department of Administrative Services. Where the court after due
 115 diligence is unable to collect such moneys within six months, it shall
 116 refer such case to the Department of Administrative Services for
 117 collection as a delinquent account. In juvenile matters, the court shall
 118 have authority to make and enforce orders directed to persons liable
 119 hereunder on petition of said Department of Administrative Services
 120 made to said court in the same manner as is provided in section
 121 17b-745, in accordance with the provisions of section 17b-81, 17b-223,
 122 subsection (b) of section 17b-179, section 17a-90, 46b-129, as amended
 123 by this act, or 46b-130, and all of the provisions of section 17b-745 shall
 124 be applicable to such proceedings. Any judge hearing a juvenile matter
 125 may make any other order in connection therewith that a judge of the
 126 Superior Court is authorized to grant and such order shall have the
 127 same force and effect as any other order of the Superior Court. In the
 128 enforcement of its orders, in connection with any juvenile matter, the
 129 court may issue process for the arrest of any person, compel
 130 attendance of witnesses and punish for contempt by a fine not
 131 exceeding one hundred dollars or imprisonment not exceeding six
 132 months. Any judge who orders a chemical analysis to detect the
 133 presence of alcohol or drugs pursuant to a juvenile matter shall order
 134 that such analysis be an analysis of blood, breath or urine, except that
 135 hair-analysis may be ordered if the subject of the analysis consents to
 136 such hair-analysis after consultation with counsel.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	46b-129(g)
Sec. 4	<i>October 1, 2006</i>	46b-121(b)

Statement of Purpose:

To amend provisions concerning juvenile matters with respect to the rights of parties and individuals who are the subject of investigations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]